

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 15, 2014

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent – Erpelding. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jake Wright, Page.

Approval of Journal

January 15, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, that pursuant to the provisions of Section 59-904A, Idaho Code, the District 15 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State House of Representatives.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint PATRICK E. MCDONALD of Boise, Idaho, to the office of State Representative, District 15, Seat B, for a term commencing January 14, 2014, and continuing until the next general election when the term of office expires.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 14th day of January in the year of our Lord two thousand and fourteen, and of the Independence of the United States of America, the two hundred and thirty-eighth year, and of the Statehood of Idaho the one hundred and twenty-fourth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. McDonald.

Report of Standing Committees

January 15, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 358](#), [H 359](#), and [H 360](#).

WILLS, Chairman

[H 358](#), [H 359](#), and [H 360](#) were referred to the Business Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 361 BY EDUCATION COMMITTEE AN ACT

RELATING TO PROPRIETARY SCHOOLS; AMENDING SECTION 33-2406, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CONDITION OF REGISTRATION AND TO PROVIDE FOR AN EXEMPTION.

HOUSE BILL NO. 362 BY EDUCATION COMMITTEE AN ACT

RELATING TO THE STATE COMMUNITY COLLEGE ACCOUNT; AMENDING SECTION 33-2139, IDAHO CODE, TO PROVIDE THAT CERTAIN DISBURSEMENTS MAY BE ORDERED BY THE STATE BOARD OF EDUCATION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 363 BY BUSINESS COMMITTEE AN ACT

RELATING TO COSMETICIANS; AMENDING SECTION 54-804, IDAHO CODE, TO PROVIDE AN ADDITIONAL INSTANCE IN WHICH THE PROVISIONS OF CHAPTER 8, TITLE 54, IDAHO CODE, DO NOT APPLY; AMENDING SECTION 54-807, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PRACTICE OF LICENSED APPRENTICES; AND AMENDING SECTION 54-829, IDAHO CODE, TO REMOVE A REQUIREMENT THAT NO MEMBER OF THE IDAHO BOARD OF COSMETOLOGY BE AFFILIATED WITH A SCHOOL OF COSMETOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 364 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO TAXATION OF MOTOR FUELS; REPEALING SECTION 63-2411, IDAHO CODE, RELATING TO PURCHASE OF FUEL BY RETAIL DEALERS; AND

AMENDING SECTION 63-2443, IDAHO CODE, TO REVISE THE VIOLATIONS AND PENALTIES PROVISIONS OF THE MOTOR FUELS TAX LAW.

HOUSE BILL NO. 365
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO EMERGENCY COMMUNICATIONS; AMENDING SECTION 31-4815, IDAHO CODE, TO AUTHORIZE THE ADJUTANT GENERAL TO SELECT EMERGENCY COMMUNICATIONS COMMITTEE BOARD MEMBERS; AMENDING SECTION 46-1207, IDAHO CODE, TO AUTHORIZE THE ADJUTANT GENERAL TO CONCUR WITH THE STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL'S CREATION OF ADMINISTRATIVE POSITIONS; AMENDING SECTION 46-1209, IDAHO CODE, TO AUTHORIZE THE ADJUTANT GENERAL TO SELECT THE CHAIRMAN; AMENDING SECTION 46-1211, IDAHO CODE, TO AUTHORIZE THE ADJUTANT GENERAL TO SELECT CERTAIN BOARD MEMBERS; AND AMENDING SECTION 46-1212, IDAHO CODE, TO AUTHORIZE THE ADJUTANT GENERAL TO APPROVE OF AND SELECT A REPLACEMENT FOR CERTAIN BOARD MEMBERS.

HOUSE BILL NO. 366
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO THE NATIONAL GUARD; AMENDING SECTION 46-605, IDAHO CODE, TO REMOVE REFERENCE TO PAY OF FIFTY-FIVE DOLLARS PER DAY WHILE ON ACTIVE DUTY IN THE SERVICE OF THE STATE.

HOUSE BILL NO. 367
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO THE NATIONAL GUARD; AMENDING SECTION 46-604, IDAHO CODE, TO PROVIDE CIRCUMSTANCES WHEN THE IDAHO NATIONAL GUARD AND THE IDAHO MILITARY DIVISION SHALL BE DEEMED A STATE LAW ENFORCEMENT AGENCY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 368
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-402A, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL SERVE IN THE LEGISLATURE WHILE HOLDING OTHER ELECTIVE OFFICE; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 369
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3015, IDAHO CODE, TO REVISE CRITERIA FOR DETERMINING THE RESIDENCY OF AN ESTATE OR TRUST AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 370
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO CIGARETTE TAXES; AMENDING SECTION 63-2511, IDAHO CODE, TO REMOVE REFERENCE TO VENDING MACHINE OPERATORS; AMENDING SECTION 63-2516, IDAHO CODE, TO PROVIDE THAT ANY REFERENCE TO TAXABLE YEAR IN THE INCOME TAX ACT SHALL BE, FOR THE PURPOSES OF THE CIGARETTE TAX ACT, CONSIDERED A TAXABLE PERIOD; AND AMENDING SECTION 63-2563, IDAHO CODE, TO PROVIDE THAT ANY REFERENCE TO TAXABLE YEAR IN THE INCOME TAX ACT SHALL BE, FOR THE PURPOSES OF THE CIGARETTE TAX ACT, CONSIDERED A TAXABLE PERIOD.

[H 361](#), [H 362](#), [H 363](#), [H 364](#), [H 365](#), [H 366](#), [H 367](#), [H 368](#), [H 369](#), and [H 370](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

Representative McDonald was appointed to the Education, Judiciary Rules and Administration, and Transportation and Defense Committees.

EDUCATION (16)

DeMordaunt, Chairman
Nielsen, Vice Chairman

Shepherd
Wills
Bateman
Boyle
Clow
Gestrin
Harris
Horman
Mendive
VanOrden
McDonald

Pence
Kloc
Rubel

JUDICIARY, RULES, AND ADMINISTRATION (17)

Wills, Chairman
Luker, Vice Chairman

Nielsen
Bolz
Bateman
McMillan
Perry
Sims
Dayley
Horman
Malek
Packer
Trujillo
McDonald

Burgoyne
Meline
Ringo

TRANSPORTATION AND DEFENSE (17)

Palmer, Chairman
Shepherd, Vice Chairman

Wood(35)
Wills
Bateman
Henderson
Denney
Gestrin
Gibbs
Hixon
Kauffman
Packer
Youngblood
McDonald

Ringo
King
Gannon

Representative Agidius was reassigned from the Education Committee to the Revenue and Taxation Committee.

REVENUE AND TAXATION (16)

Collins, Chairman
Wood(35), Vice Chairman

Barrett
Moyle
Raybould
Denney
Anderson(31)
Anderst
Dayley
Hartgen
Kauffman
Trujillo
Agidius

Burgoyne
Erpelding
Meline

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 16, 2014. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:14 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk